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'Beauty and the beast': Everyday bordering and 'sham marriage' discourse

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ABSTRACT

This paper examines discourses of 'sham marriage' as a technology of everyday bordering in the UK. We argue that everyday bordering needs to be seen as a growing hegemonic political project of belonging experienced in complex ways as differently situated individuals negotiate proliferating internal and external borders. We explore how the process of marriage registration, especially when it concerns citizens of ex-Empire states marrying British or EEA citizens, has been transformed, under evolving UK Immigration Acts, from a celebration into a security interrogation. The discourses and practices associated with 'sham marriage' have become important elements in bordering control, which has become a major technology of managing diversity and discourses on diversity, in the UK. 'Sham marriage' discourses can adversely affect the lives of families, neighbours, friends, employers and others across time and transnational space. In order to understand the complexities of everyday bordering, we developed a situated, intersectional analysis capturing the situated gazes and border imaginaries of lawmakers, registrars, church officials, targeted couples and examining spectacular 'sham marriage' media stories that incorporate diverse citizens into border-guarding roles focused on the intimate lives of others.

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1. Introduction

> You may be able to tell at a glance whether there is a sham marriage going on, obviously if it is beauty and the beast one can kind of make a judgement. What should registrars be doing to tell? They are not immigration officers are they? (Keith Vaz MP, Home Affairs Select Committee (HAC) Meeting 24th June 2014).
>
> When a couple come to be married your first question should be 'congratulations, I'm here to help' but now there is no congratulations, it's immediately down to the business of 'Are you legally allowed to be in the country? (Methodist minister).

This paper examines the issue of 'sham marriage' as part of our study of complex, multiscalar borderscapes and the ways in which 'everyday bordering' is coming to be a main technology of the management of diversity and discourses on diversity in London and the UK. We argue that 'Sham marriage' discourse is central to this technology of governmentality (Foucault, 2007; Yuval-Davis, 2012) which has transformed the marriage registration of racialized migrants marrying British or EEA (European Economic Area) citizens from a celebration to a security interrogation. We examine how it adversely affects the lives of all the people involved as well as damaging wider community relations in Britain. In analysing situated, intersectional experiences and perspectives of marriage as part of dynamic bordering practices we are contributing to the fields of critical border studies as well of intimacy-geopolitics where the intimate is understood as both foundational to, and reconfiguring of geopolitics (Pain & Staeheli, 2014).

Whilst the term 'sham marriage' has a longer history, sometimes interchangeable with 'marriages of convenience', it was defined by the Immigration and Asylum Act 1999 as a marriage entered into 'for the purpose of avoiding UK immigration law'. The article describes the historical and policy context of 'sham marriage' as a bordering technology and the ways it constructs the everyday lives of increasing numbers of people especially among the UK's racialized minorities. It focuses on the nexus of state and social bordering between the UK, the postcolonial South and Europe. Using an

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intersectional, situated analysis (Yuval-Davis, 2015), it examines diverse discourses about 'sham marriages' to explore how the internal borders of the state are understood and negotiated by those who administer and enforce them and those who are the direct subjects of that enforcement, including individuals with familial connections with ex-colonies, linking the proximate and the distant, the familiar and the unfamiliar through intimate, geopolitical relations. It examines parallel spectacular 'sham marriage' media stories as specific instances of state bordering that work to extend the reach of the everyday border, beyond 'suspect couples', their families and communities, incorporating the whole population into border-guarding roles.

We begin with an outline of our theoretical and methodological framework in which we explain what we mean by 'everyday, intersectional, situated bordering' and set out our contention that, in the context of the UK, everyday bordering is coming to be an important technology for the management of diversity through constructing a particular political project of belonging that framed subsequent debates about membership of the European Union. Next we provide historical context to the present relationship between marriage and state bordering, glimpsing parts of its colonial genealogy that informs contemporary border imaginaries. We then focus on the 'sham marriages' issue in the context of both the EU Free Movement Directive of 2004 that facilitates the marriages of EEA with non-EEA citizens in the UK and the UK Immigration Act 2014 that aimed to make such marriages more difficult (HMSO, 2014, chap. 22). Following that, we discuss specific situated imaginaries, perspectives and bordering practices of lawmakers and enforcement officials. We then explore ways in which public and privately owned media, though focusing on 'sham marriage', work with government as moral gate-keepers. We show how they continually re-construct the 'hostile environment' and 'culture of disbelief' that permeate government immigration discourse and practice, and alert 'the wider public' about their border-guarding responsibilities. Next we examine the perspectives of registrars and church officials who administer the border and finally explore how these discourses and legal requirements associated with 'sham marriages' are experienced by people whose intimate lives become the objects of these bordering processes.

2. Theoretical framework: everyday, intersectional, situated state bordering

The theoretical framing of this paper follows that outlined in the introduction to this special issue and developed in our other work on everyday, intersectional, situated state bordering (Yuval-Davis et al., 2017). We share a common understanding with recent work in political geography and wider border studies in that central to our approach is that as borders and boundaries are constantly in the process of becoming, reconfiguration, dislocation and reconstitution, we need to analyse processes of 'bordering' rather than that of borders In this we follow van Houtum et al.'s (2005) notion of 'b/ordering' - the interaction between the ordering of chaos and processes of border-making. Like Amoore, whose theorisations on biopolitics identified biometric borders reaching far beyond checkpoints (2006) and Johnson and Jones (2014) who locate the border in everyday life, we identify bordering as having moved from the margins of people's lives, encountered only when they leave or enter a country, to become part of everyday experience. Progressive legislation, parts of which we highlight below, have made unpaid bordering responsibilities central to contemporary citizenship duties as citizens are expected to monitor those whom they judge as not having the right to work or live in the UK. Everyday bordering structures the politics of belonging (Yuval-Davis, 2011, 2012, 2014) as citizen border-workers imagine, construct and erase borders (Rumford, 2009) in economic, social and intimate life, from employment and housing to healthcare and marriage.

Our contribution to political geography and specifically to recent scholarship on everyday bordering is to introduce a situated intersectional analysis of the dynamic processes of everyday bordering that recognizes borderscapes as situated multi-epistemological sites which are being constructed and reconstructed, affecting and being affected by people's everyday lives (Brambilla, 2015). These individuals are situated in a range of social positionings, have different imaginaries, social attachments and identifications and normative value systems. Therefore their bordering experiences, encounters and negotiations need to be analysed in an intersectional theoretical framework. In developing a framework that accommodates these complexities, our approach contributes to the agenda for vernacularization in border studies (Cooper, Perkins, & Rumford, 2014). In using a situated intersectional approach to analyse everyday bordering and sham marriage discourse we are building on recent work on intimacy-geopolitics and violence (Pain & Staeheli, 2014) and 'queering the globally intimate' (Peterson, 2017) which challenges 'state regimes of normalcy' where historically contingent binaries of gender, sexuality and race shape everyday lives and geopolitics. Through a historically situated intersectional analysis, we show that the intimate and the geopolitical not only meet (Wright, 2010), but that the intimate has long been a site of both de- and rebordering processes. These are made publicly visible through the 'border spectacle' (De Genova, 2012) of media discourses on sham marriage but are experienced differentially by differently positioned individuals. Therefore, whilst intimacy-geopolitics denotes the already-embedded relationship between the geopolitical and intimacy, we nuance this by demonstrating an approach that enables us to explore the complex ways in which differentially situated individuals, the media, legislation and wider political discourses come into dialogue with one another at particular times and in particular places.

3. Methodology

Our methodological approach aims to ground the theoretical insights through investigating everyday bordering imaginaries and social practices of differently positioned law makers, officials and UK residents. It draws on perspectives from critical geography (Johnson & Jones, 2014; Megoran, 2006), anthropology (Feldman, 2012) and the sociology of the everyday (Back, 2015) that exemplify the necessity of employing ethnographic research methods to capture those complexities.

Observations, discourse analysis of policy and media and interviews were carried out in London between October 2013 and July 2015. This was the period of the run up to and passing of the 2014 Immigration Act in October and the subsequent introduction of the new bordering requirements resulting from the Act. The focus of our research project was on the increasing bordering responsibilities required of UK citizens and residents and the tightening civil penalties regime associated with their non-compliance. We investigated how the 2014 legislation was extending the border further into a range of sites of everyday interactions including employment, housing, education and marriage. In order to capture a diversity of situated gazes and experiences, we observed seven meetings relating to new immigration laws, carried out in-depth interviews with sixty-six people and took notes of many more unplanned conversations with individuals who were differently positioned (in terms of age, gender, ethnicity, employment and citizenship status) in a range of sites of everyday bordering interactions. This included five people involved in conducting marriages and four in border enforcement. We did not set out to

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interview people who had been specifically identified as the subjects of bordering in their intimate lives. Rather, their experiences emerged in narrative interviews focused on how they experienced the UK border in a continuum of everyday bordering encounters. We also tracked parliamentary and media discourses relating to the wider requirements of the 2014 Act including Home Affairs Select Committee sessions (HAC) and TV programmes specifically about 'sham marriage'.

4. Historical and legal context

4.1. Genealogy of discriminatory bordering legislation relating to marriage

The development of the UK marriage border exemplifies Mezzadra and Neilson's argument that the proliferation of multiple variations of external and internal borders are differentially inclusive in ways that 'are no less violent or discriminating' than more traditional forms of bordering (2012:70). Marriages between naturalized, racialized British citizens and people from their country of birth have long been seen as a threat to British immigration control. Whilst British citizens have enjoyed the right to marry each other without the state questioning whether they will benefit financially or socially, there has been a history of marriage with individuals from the ex-Empire and elsewhere being investigated as suspicious and labelled as not 'genuine' and therefore illegitimate if they lead to the gaining of settlement rights in Britain (D'Aoust, 2013; Wray, 2015, 2016). Charsley and Benson (2012) have demonstrated the dominance in government discourses of a normative idea of marriage with a 'genuine marriage', based on romantic love and nothing else, constructed in binary opposition to 'sham marriages' so that the notion that marriage is also a contractual arrangement in many different guises historically and culturally is obscured and partners in non-normative marriages are at risk of discriminatory decisions by border officials. As Wray (2011) has shown, entry clearance officers, airport border guards, marriage registrars, police and border enforcement employees have acted, in different times and spaces, as 'moral gate-keepers', empowered to judge the 'genuineness' of contracted partnerships according to their views of normal marriage.

The border between Britain and its ex-colonies has always been multiply located with bordering activities taking place in High Commissions, remote villages, airports and registry offices and its administration has worked instrumentally at different times to filter out undesirable migrants (Charsley, 2012; Williams, 2012 and Wray, 2011, 2012, 2016). The practice of b/ordering has been evident in the separating of more visible 'on-shore' and less visible 'offshore' state bordering practices and decision-making in official discourse, working to distance official government policy from accusations of discrimination. For example, In her examination of marriage migration and the 'polysemic' border (Balibar, 2002), Wray demonstrated how entry clearance requirements were introduced in overseas High Commissions in response to chaotic scenes at the airport border, enabling discriminatory marriage migration decisions to be made overseas ensuring that the airport border regained its 'orderly character' (Wray, 2012, p. 48).

One of the most violent practices of discriminatory marriage related bordering practices drew on cultural and gender stereotypes in order to deny the migration and settlement of South Asian women to Britain. In a now infamous case, an Indian citizen who arrived at Heathrow in 1979 was subject to a 'virginity test' as the immigration officials 'considered her too old to be a genuine fiancée'. Further investigations revealed that similar cases had occurred at several High Commissions in South Asia. The British government blamed this abuse on independently minded 'low grade border officials'. However, archival documents demonstrate that the practice grew out of the pressure from the highest echelons of the Home Office and Foreign and Commonwealth Office to discriminate, and that it was obfuscated through references to the practice being 'off-shore' (Marmo & Smith, 2010; Smith & Marmo, 2014).

The 1985 Commission for Racial Equality report that followed protests about this practice raised issues about racializing and gender stereotyping by immigration officers. Similar criticisms have been repeated over the following two decades in relation to government consultation papers and legislation focused on limiting the use of marriage as a migration route for people from South Asia and other ex-colonies (Commission for Racial Equality, 1985; Wray, 2016, pp. 139–174). In examining government statistics of refusal rates by country of origin, Charsley has shown that levels of rejection remain highest for those groups where 'marriage migration is intra-ethnic enabling on going chain migration to Britain' (2012: 200). Spouses who are citizens of Somalia, Bangladesh and other ex-colonies are having the highest refusal rates and citizens of white settler ex-colonies the lowest. Charsley's work and Gill's (2009) investigations into the conduct of asylum sector decision makers, including immigration judges and local government employees, demonstrate the potential influences of state and society actors at all sites of transnational marriage. In her examination of marriage migration and governmentality, D'Aoust highlights the subjectivity of official evaluations of diverse couple's relationships using the example of a couple who used their pet cat as a demonstration of the 'strength and quality of their family life'. Whilst the cat could be presented as 'the materialization of emotional loving investment', D'Aoust (2013: 269) asks why 'some animals can be used as "proof of quality relationships" whereas some migrants cannot … even claim a right to such relationships?'

In the next section we discuss how historical suspicions and differential exclusions of partnerships involving citizens from the ex-empire continued following the introduction of the 2004 EU Free Movement Directive as political and media spotlights shifted to shine on marriages between EEA citizens and non-EEA citizens.

4.2. The EU Free Movement Directive 2004 and the British Immigration Act 2014

British Immigration law has become more restrictive towards people from low socio-economic groups from outside Europe. The 2004 EU Free Movement Directive, transposed into domestic law in the Immigration (EEA) Regulations 2006 (that governs the entry into, stay and expulsion from the UK of EEA nationals), ensures that as long as an EEA national is exercising their Treaty rights and has the right to stay in the UK, the same rights extend to family members who are not EEA nationals (Vine, 2014b, p. 3.9). After 5 years EEA nationals and their family members may obtain the right to remain in the UK permanently. For people on low incomes, it is easier to marry and settle as a spouse under the European Regulations than under British immigration law (the latter trumped by the former). Under British law, in 2012 and upheld in the Court of Appeal in 2014 and the Supreme Court in 2017, a minimum income of £18,600 per annum became a requirement for UK citizens sponsoring foreign spouses (and more for dependents) ensuring that people on low incomes are not be able to support a spouse (Gower & McGuiness, 2017). In contrast, EEA nationals can sponsor foreign spouses even if they are working at the minimum wage, and at the time of writing they were able to claim in work and housing benefits. Since the requirements relating to EEA/non-EEA national marriages were seen as 'less onerous' than those of the British Immigration legislation, they were identified by the Home Office's National Threat Assessment as open to abuse 'by people who falsely claim to be, or be related to, an EEA national exercising Treaty

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rights' (Vine, 2014b, p. 3.19).

The section on Marriage and Civil Partnerships in the British Immigration Act 2014 is a response to that 'National Threat'. In 2012, in an interview with *The Daily Telegraph*, Home Secretary, Theresa May had confirmed that the aim of her government's immigration legislation 'is to create a hostile environment for illegal immigration' (Kirkup & Winnett, 2012). The focus of the 2014 Act was on consolidating that 'hostile environment' through a range of legislative measures that enlisted more people into a range of border enforcement roles where they are subject to civil penalties for non-compliance (Yuval-Davis et al., forthcoming). Aliverti has demonstrated how this 'migration policing' is a site for instilling citizens with a sense of civic responsibility in law-and-order maintenance to prevent immigration crime and contributing to a recreation of social cohesion 'by mobilizing the exclusionary side of citizenship' (Aliverti, 2014, p. 226). These everyday bordering responsibilities, enacted in the context of postcolonial imaginaries about the subjects of the ex-empire also work as mechanisms of 'differential inclusion' that 'filter and stratify' citizens (Mezzadra & Neilson, 2013, p. 67) and contribute to the continual re-construction of shifting hierarchies of belonging (Wemyss, 2006).

Marriage between EEA and non-EEA citizens is one of the sites targeted by the new requirements of the 2014 Act that extend existing state bordering practices more deeply into everyday life. Under new regulations the notice period given to registration officials before a marriage or civil partnership taking place in England and Wales was extended from fifteen to twenty-eight days (from 2nd March 2015). Under the 1999 Immigration and Asylum Act, when a registrar was suspicious about a 'sham marriage' they were required to fill out a 'section 24 report' that questions the couple about each other and send the report to Border Enforcement for investigation. However, the Home Office estimated that 'between 4000 and 10,000' applications a year to stay in the UK′ were made on the basis of 'sham marriage or civil partnership' and that there was significant under-reporting by registrars (Home Office, 2013; Vine, 2014b, p. 1.9). Under the 2014 Act, all notices of marriage or civil partnership that involve a non-EEA national have to be referred to the Home Office where 'a person could gain an immigration advantage from the marriage or civil partnership'.

Where the Home Office has 'reasonable grounds' to suspect that a referred marriage or civil partnership is a 'sham', it is able to extend the notice period to 70 days in order to investigate 'the genuineness of the couple's relationship', pushing the border into intimate aspects of a couple's everyday life. Registrars are obliged to fulfil a new duty to report suspected 'sham marriages' in respect of information received in advance of a person giving notice of marriage, for example when they come in to make an appointment. Border enforcement have powers to surveil the lives of couples where one partner is from outside the EEA. For example, couples can be issued with a notice requiring them to be present at a particular time or place, including their home, and to be interviewed by and provide information, evidence and photographs for enforcement officials. If they do not comply they will not be allowed to marry. If suspicion about 'genuineness' is aroused but the marriage was not halted, there is provision for investigation in the period between the marriage and the granting of a residence permit including talking to neighbours and further interviews of couples at their home. In preparation for the interviews Immigration Enforcement are able to monitor individuals' Facebook and Twitter accounts and flight information to provide evidence of the relationship and whether the EEA national has arrived in the UK specifically for the interview (Vine, 2014b, p. 6.37). Whilst enforcement officers are not entitled to enter the premises by force, an inspection report recorded that they believed that 'couples might have concerns that refusing access would lead directly to a refused application' (Vine, 2014b, p. 6.68).

Since March 2015 non-EEA nationals are no longer permitted to marry in the Anglican Church unless they have followed the civil preliminaries - the notice of marriage that is given at least 28 days before the planned marriage to civil registrars. This brought the established Church into line with ministers from other Christian sects and religions which are authorised to conduct marriages on behalf of the state but do not have the authority to issue banns in lieu of the civil notification. Thus the Act removed the decision making autonomy of Anglican ministers and enshrined shared bordering responsibilities involving them, civil registry officials and Home Office Immigration Enforcement teams.

The 2014 Immigration Act tightened the internal border through bringing closer together the working practices of the registry and enforcement arms of the Home Office whose lack of 'engagement' with each other was deemed significantly responsible for the large number of suspected cases of 'sham marriages'. In the next section we focus on the perspectives and experiences of differently situated categories of people who re-produce and negotiate the internal UK border via 'sham marriage' legislation and associated discourses. Lawmakers, enforcers and registrars construct their bordering roles differently and the conflicts between what they perceive as their work and what they are demanded by law to carry out, contribute to the shifting configurations of the UK border as it reaches further into the everyday lives of differently situated people. These different situated gazes also encompass differential views of the constructions of belonging to the UK, the EEA and the postcolonial south.

5. Situated gazes on 'sham marriages'

We begin by examining selected examples of situated gazes of lawmakers and their relationship with media partners and 'the public'. We then consider the gaze of registrars, church officials and individuals who are the subjects of these bordering practices.

5.1. Lawmakers

> I was shocked to see there is an allegation of sham marriage at the rate of one every sixty minutes …The public last year made almost 7000 reports of sham marriages and registrars 2100 up from 900 four years ago …
>
> Only 90 people have been removed (Keith Vaz, HAC 24th June 2014)

Keith Vaz MP, the Chair of the Home Affairs Select Committee (HAC) raised the point about the disparity between registrar and public reporting of suspected 'sham marriages' and the low numbers of deportations that followed. This took place when the HAC was taking evidence from ex-police officer, John Vine, the government appointed 'Independent Chief Inspector of Borders and Immigration' (ICIBI), at the time the Immigration Bill was progressing through its parliamentary stages. The Chair's questioning signalled the subsequent discussions which were focused on the significance of the unpaid, untrained border-guard role of the 'public', the patchy bordering work of paid registrars who used their own initiative in deciding which marriages were 'suspicious' and the under-resourced enforcement professionals.

Vine responded that registrars were 'not complying with section 24 of the Immigration and Asylum Act 1999 to report sham marriages' and that there was a huge discrepancy in different parts of the country. In parts of London Immigration Enforcement had a 'great relationship' with registrars in contrast to 'certain cities in the UK where no sham marriages are reported [in 2012]'. While

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Vine thought the new legislation that removed the autonomy of registrars to make decisions about submitting section 24 reports would help, he argued that further resources were required for enforcement officers to be able to follow up the increased number of reports.

Questioning the choices that registrars took in administering the UK border was the context of the Chair's quip about 'sham marriages' being 'obvious' to registrars if partners resemble 'beauty and the beast' quoted at the beginning of this paper. Whilst Vaz was trying to establish how registrars could identify 'sham marriages' without 'being ham-fisted' and 'stereotyping', his remark acknowledges the moral gate-keeping (Pellander, 2014; Wray, 2011) that rests on normative conceptions of marriage evident in many national discourses about transnational partnerships. Such 'regimes of normalcy' (Peterson, 2017) are evident in the discourses of the HAC and in the narratives of registrars we discuss later on.

The subjective evaluation of couples' 'genuineness' was given validity by the professional status of the ICIBI. He told the HAC that his experience as a police officer gave him an advantage over registrars in recognising sham marriages because 'Yes, I had a career of people lying to me so you get used to that sort of thing'. He then listed the behaviours that caused him suspicion: interaction between couples, making no attempt with appearance, texting during the service.

The ICIBI emphasized that an EEA/non-EEA 'sham marriage' not only allowed an individual residency in the UK, but also up to four generations of non-EEA dependents:

> The reason people are going through sham marriage is to circumvent immigration laws that require a much more onerous burden of proof. So someone married to an EEA national acquires the same Treaty rights as the EEA national, can reside in the UK indefinitely and bring in dependent children and grandchildren and dependent parents and grandparents (Vine, HAC, 24th June 2014).

When asked about the EEA nationalities of those involved, rather than listing the European countries concerned, he focused on the involvement of naturalized European citizens with families in three of Britain's ex-colonies:

> It is easier to become an EEA national in some countries than in others. For example Germany and Italy have a shorter period than in the UK. There is a higher refusal rate for EEA nationals who are naturalised from other countries and are sponsoring resident permits for partnerships from their own country of origin. Those particular countries are Nigeria, Ghana and Pakistan (HAC, 24th June 2014).

In his gaze, the Home Office, registrars and 'the public' were at the frontline of the UK internal border which was threatened by the nexus of citizenship laws of EEA countries, the EU Free movement Directive and African and Asian European citizens and their potential extended families. We argue below that such assertions of racialized rights of belonging became embedded in anti-European Union discourses that framed the referendum debates in 2016. We move on to consider the discursive continuity between the views expressed by the ICIBI and specific media discourses that alert 'the public' to the issue.

5.2. Media bordering partnerships

> They can't be everywhere. We do need to be dependent on the public and have sought the support of registrars to say there is something suspect here please report'
>
> Brodie Clarke, former head of the UK Border Force (Sky News, 16th October 2013)

TV programmes and news articles have been used as tools to extend the everyday border beyond those who are directly affected by the 'sham marriage' practices, linking it to wider discourses on national identity and belonging (Edenborg, 2016). Publicity of 'sham marriages' has been used as a bordering practice across multiple scales - to alert 'the public' to their role in reporting immigration offences, to warn prospective 'couples' that they are suspect and therefore discourage them and to demonstrate to a wider public that they are carrying out their job of combating illegal immigration. It has been demonstrated elsewhere that the Home Office Immigration arm has had a direct relationship with media (Philo, Briant, & Donald, 2013) and is evident in the following two examples broadcast as the 2014 Immigration Act was about to be implemented.

In the first example, *The Sham Wedding Crashers* (Channel Five, 30th October 2014), undercover reporters set out to 'expose the world of bogus marriages'. They staged a 'sham marriage' with one of them acting as a bride looking to make money from a non-EEA student who had overstayed his visa. They filmed all stages of the process from meeting the marriage fixer, the £3000 payment, giving notice of the marriage to the registrar, shopping for a dress with the bridegroom to the dramatic finale during the marriage ceremony when one reporter denounced the wedding as 'a contract marriage' and therefore 'immigration abuse' and announced that the footage would be available to the police. He said that he had expected the deception to have been picked up by 'safeguards that are in place'. However, although the registrar had sent a section 24 report to the Home Office it had not been acted on by the enforcement team. The programme highlighted the failure of the Border Force to act on the suspicions of the registrars and therefore supported the new legislation that increased the time available to investigate, simultaneously alerting the public to all processes in the marriage, the lack of action of the Border Force and that, with the new requirement for all non-EEA cases to be referred, 'there could be up to 35,000 cases, the scale of the task is huge.'

On the day he announced the commencement date of the requirements of the Immigration Act relating to 'sham marriages', the Immigration Minister appeared on the 7pm *One Show* (BBC1 24th November 2014). First they broadcast a short piece where a reporter interviewed a registrar about what they do when they suspect a 'sham marriage' and then was secretly filming as he accompanied uniformed officers as they prevented a wedding between an 'Indian groom and Portuguese bride', finishing with the arrest of the groom and the release of the bride. After the film, the minister said that people who exploit marriage in this way make him 'angry' and announced the new provisions of the Act, including that the EEA national involved can now be deported. Both examples of the partnership between the Home Office and media encouraged the 'wider public' to share the state's bordering roles in their everyday lives through reporting those in their communities whose marriages they suspect are 'sham'. Like those of the HAC discussed in the previous section, media sham marriage discourse questioned the credibility and effectiveness of professional registrars and enforcement officials whilst the potential of malevolent, unsubstantiated reports of immigration crime by 'the public' was not raised.

As well as the TV coverage during the same months, national and local media carried reports of court cases of those prosecuted for conducting suspect marriages. In October 2014 two cases involving Egyptian (*The Telegraph* 29th October 2014) and Ugandan born (*The Mail* 23rd October 2014) religious ministers were thrown

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out of court, one because of the Home Office not providing paperwork and another because the immigration officers involved concealed information and lied under oath. The reporting of the cases publicised the ineffectiveness of the Border Force and the possible dishonesty of Black religious leaders and the large numbers of people (listed as '580 over four and a half years' and '494 over three and a half years' respectively) 'abusing' the loophole. In contrast, a year earlier, a local newspaper had carried a report about how Immigration Enforcement had invited their reporter to accompany them on the raid where a registrar had passed on their suspicions of a Chinese bride marrying an Italian groom due to the couple's difficulties spelling each others' surnames (Hutton, 2013). In these three cases no-one was found guilty. However, the publicity they generated worked to demonstrate how the mundane behaviours of specific categories of couples make them suspect. Whilst not claiming a causal link between media stories and public reporting of 'sham marriages' we argue that discourses and practices of lawmakers and media contribute to the creation of a hostile environment that encourages 'the public' to act as border guards (Rumford, 2009; Vaughan-Williams, 2008) and racialized couples to perform and justify their relationships in their everyday lives. We now move on to discuss the situated gazes of differently situated individuals who administer the UK internal border as part of their everyday work.

5.3. Civil registrars

Registrars do not all come into the service with the expectation that a major part of their role will be administering immigration law. They may have moved into the role after working in other areas of the local authority. One of those whom we interviewed had done so via children's library services where the communication skills were seen to be transferable. As well as interviewing three people who worked in civil registry offices as registrars and managers of civil registration services we analysed the evidence of two registrars given to the HAC. Their narratives demonstrate how their work contexts, individual experiences and normative conceptions of a 'genuine marriage' influenced how they managed their bordering roles in their everyday work. Here we see the intimate nature of geopolitical decision-making (Pain & Staeheli, 2014) as it is enacted in everyday life by differentially situated individuals. We showed in the previous section how during the HAC session, the Chair and ICIBI had implicitly and explicitly criticised the low level of reporting of suspected 'sham marriages' by registrars in contrast to the numbers reported by 'members of the public'. The assumed under-reporting, via section 24 reports of 'suspicions of sham marriages' by many registrars, despite their legal obligation to do so, can be interpreted as their awareness of the nuances of the situation and their own emotional engagement with their role. Registrar 2 did not like the idea of carrying out more rigorous interviews because:

> '… We are also dealing with a lot of genuine couples, many of whom will be foreign nationals, and for them the experience we want them to have is not of an immigration interview. For many, giving notice of marriage is quite an exciting experience. Also some characteristics that registrars are supposed to look out for can apply to genuine marriages' (Registrar 2, HAC 24th June 2014).

He said that he would send off a section 24 form to the Home Office if alerted by, for example 'little interaction' and 'no common language' between the couple or a' third party' in control of what's going on. These overlap with the indicators given by the ICIBI and are on an older list compiled for registrars by UKBA (Charsley & Benson, 2012, p. 16). However, he also added that he had 'gut feeling about genuine responses' and had to assess what is 'natural nerves'. Registrar 3 expanded on the subjectivity of 'hidden indicators' that she looked out for but which might be ignored by her fellow registrars in the half-hour interviews with couples:

> It is up to the individual officer to have a suspicion or not. I can't say to this person '… he says he is a chef and she says he is a car mechanic, isn't that suspicious?' … if that person doesn't want to do a section 24 report, it is purely their suspicion …
>
> … as soon as you go out to call a couple you are making that first impression 'how do they look in the waiting area? … sometimes they are all over each other saying 'we are in a relationship, we are so in love' whereas in reality they would probably be sitting with their mobile [laughs] … or when you ask a question 'what name are you known by?' and they will try to put everything in the answer … because they will be saying 'look how much I know about this person! (Registrar 3).

In HAC evidence Registrar 1 had made similar assertions about 'over amorous couples in the reception area' and like Registrar 3 made the judgement that 'genuine couples' do not need to prove anything. They also drew on normative notions of parallel multicultural communities to suggest that less suspicion is raised by EEA/non-EEA couples from the same ethnic backgrounds or national backgrounds, for example:

> If a Congolese is marrying a Congolese, then their cultures are similar, their language is similar, it's likely their families, their elders, so again you would look more favourably at that as a marriage than at someone who is a totally different culture, a totally different system. So, Pakistanis marrying Lithuanians, Latvians, Hungarians!(Registrar 3).

However her view, that those with similar cultures may be looked on more favourably, conflicts with the evidence given to the HAC that there were more refusals relating to marriages between naturalized EEA citizens born in Ghana, Nigeria and Pakistan and partners from their countries of birth. She showed us a tally she was keeping of the variety of recent non-EEA marriages that included at least eighteen different nationalities and pointed out Afghan male and Romanian female partnerships saying, without citing any evidence, that they are 'very culturally different'. The suspicion cast on Eastern European women marrying Afghan or Pakistani men echoed those of the inspection reports presented at the HAC, but as we show in the following section, the view that different cultures should invite suspicion is not always shared by those who inhabit transnational spaces in their work and leisure.

As the HAC heard, section 24 reports were not always acted upon after they had been sent to the Home Office and Registrar 2 voiced his distaste at having to conduct a ceremony when he felt Immigration Enforcement had not acted on the submitted section 24 report, but in the context of the HAC did not question the dominant views that 'genuine marriages' follow a romantic formula:

> As a registrar you are forced to participate in that charade of a marriage which is not a pleasant thing and all registrars say it is almost like being mocked in your own job. We take our job very seriously, we want to deliver a good service to genuine couples and to have to perform what is a total charade of a ceremony and then perhaps at the end of it be asked to have a photograph with a couple is not a pleasant experience (HAC, 24th June 2014).

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Whilst registrars feel mocked by couples assumed to be dishonest, Registrar 3 felt entitled to violate the embodied boundaries of the bodies of couples who challenged her normative moral judgements. She told us that her solution to suspected 'false marriages' was, during the ceremony, to emphasize the seriousness and devotion required in marriage and to compel the couple to kiss 'properly' at the end despite their protest that 'it's not traditional for us to kiss'.

The perspectives of the registrars we interviewed were informed by budgets and the pre-2014 economic rationale for not submitting section 24 reports. Marriages are paid for when notice is given and at the ceremony. Two managers responsible for registries in different parts of London reported that when people became aware that a specific registry office was working closely with the Border Force, their office's income reduced significantly as people chose to marry elsewhere:

> We get paid for that marriage whether that marriage happens or not. So basically bring on the sham marriages … I make more money out of them whether they happen or not … however, if I advertise the fact that we are good at spotting it and we get the UKBA to come down and arrest people, I will lose income (Registry office manager 1).

Registrar 3 identified her concerns about marriages conducted in churches:

> The neighbours started realising there were loads of people going there in the evenings and he was giving notices and giving Banns … it was neighbours in the area thinking things are not right in the Church (Registrar 3)

She was alluding to cases reported in the media such as an Anglican vicar found guilty of conducting 360 'sham marriages' in 2010,which, it was claimed 'bolstered the ailing finances' of the church (Barkham & Davies, 2010). The registrars were expecting registry office finances to improve after March 2015 as once all civil and church registrar autonomy was removed all registry offices and churches would be compelled to report all EEA/non-EEA marriages. We now consider the differently situated gaze of church ministers.

5.4. Church ministers

Until March 2015, the Anglican Church issued Banns in lieu of civil preliminaries for marriages which included a non-EEA partner. However, following highly publicised cases such as those referred to by Registrar 3 now it is obliged to ensure civil preliminaries have taken place at a designated registry office where interviews are conducted by registrars at least 28 days before the priests conducts the wedding ceremony. Like registrars, Church officials did not enter the profession in order to carry out state bordering roles. In our interviews with priests from different denominations they spoke about the conflicts that they negotiate at the intersection of their religious values and roles and the state bordering obligations that had been increasing since the 1999 Immigration and Asylum Act introduced the duty to report suspicious 'sham marriages'. A Church of England priest reflected on the dilemmas that existed for him before the 2015 changes:

> You don't have to profess a faith at all to be married in the Church and that raises lots of issues. It becomes clear in issues of immigration where over the last ten years we have increasingly been asked to behave as immigration officers as well as parish priests. It is difficult enough to identify why people are getting married in church whilst on top of that deciding whether they are doing it for real … Increasingly over the last 10 years it was identified that we were at risk of being a back door for people either to create a sham marriage or simply to make use of the facility of the Church as a means of overcoming immigration issues.

He said that most such cases he had been responsible for registering involved Eastern EEA citizens marrying Russian citizens, including students who had overstayed their visas:

> In each case I did the work I was expected to do. I visited them in their own place, they showed me photos of them going on holiday, it was clear it was not a sham, they knew who each other were, it was not just a monetary transaction to get this done, but the level of relationship I can't say.

His willingness to believe rather than doubt this and other couples rested on his awareness of both the complexity of the situation and the subjectivity of those who evaluate the validity of relationships). He gave the following example that illustrates both his moral dilemma and his willingness to believe the couples:

> Whether it was entirely kosher or not? They had a relationship and they wanted to cement that relationship and they were in danger of one person being moved out of the country so they would find that very difficult and there was a religious element somewhere in them that they wanted as part of the establishment of their relationship. How do you distinguish between that and a couple who never come to Church and fulfil all of the standards, but who clearly don't have any sense of the religious dimension of the Church?

He spoke about how official church discourse was more stringent than their everyday practice:

> So our Diocesian lawyer will send out lawyers letters in which he is very fierce about where we stand in relation to identifying couple's rights to marry in Church, and yet talking to him it is very different. He is in conversation, much more aware of the pastoral situation that clergy are in and in conversations he is always supportive of a clergy person's right to make a reasonable decision about a couple in London.

The Methodist minister whose words we quoted at the beginning of this article also had authority to carry out marriages, but unlike his Anglican counterpart was not permitted to forgo the civil preliminaries, described the contradictory nature of his role:

> It is fundamental to the theology of the church and how we regard human beings and our job is not to police. A struggle can be that a couple want a marriage for convenience which puts the minister up against legislation and for us that feels wrong to put foremost the law rather than the integrity of the situation.
>
> It is possible that an authorised church minister could feel obliged to assist both inadvertently and deliberately. Most ministers understand the law and therefore become immigration officers.

Both men negotiated their state bordering obligations and moral responsibilities including their commitments to the continuation and expansion of their congregations in a conflicted ethical situation that had not chosen when they first joined their respective ministries. Unlike the discourses of the lawmakers and media that

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collapsed non-normative practices and behaviours of racialized couples into the 'sham marriage' category, the Church ministers were engaged in a deeply emotional decision making process that incorporated their knowledge of the complex lives of their multi-national congregations.

6. Subjects of sham marriage discourses: couples WHO experience postcolonial bordering in their everyday lives

The examples from our interviews that we discuss below show that those who are subjected to the bordering practices of 'the wider public' as well as professional border administrators and enforcers, have to second-guess how their behaviour will be interpreted by those they encounter in every sphere of their lives. The categorisation of marriages between naturalized EEA citizens who were born in Europe's ex-empires as 'sham' are aimed at 'circumventing immigration laws' by border enforcement professionals. It denies the transnational social spaces (Pries, 2001) of postcolonial diasporas. People from ex-colonies have been relocating to the UK from various EU countries under the EU Free Movement Directive for various reasons including the English language and established community resources. Somalis, many of whom have migrated from the Netherlands to the UK, continue to have the highest refusal rates for spouse visas (Charsley, 2012: 204). We interviewed Bangladesh-born Italian citizens who have moved to the UK and who perceived bringing a partner or dependent from Bangladesh as family reunion, not as legal manipulation in the sense that the discourses of the HAC had categorised them. The situated gazes of those we interviewed took for granted the complex, dynamic transnational spaces in which they were located. Moreover, whilst from the registrars' perspectives, the nationalities of those who were the focus of suspicion changed over time, (for example one had remarked that at his office Ghanaians used to form a large percentage of 'sham marriage cases' but no longer), the previous subjects of suspicion still felt targeted.

The situated gazes of EEA and non-EEA couples who are the subjects of the government and media 'sham marriage' discourse challenge the binary constructions of 'love marriages' vs 'contract marriages'. The examples from our respondents discussed in this section demonstrate that these oppositional categories cannot accommodate the complex bordering experiences of African, Asian and South American nationals who marry EEA citizens including those who are naturalized citizens born in ex-colonies and who share cultural backgrounds and experience of historically discriminatory immigration legislation. We begin with the example of an EEA/non-EEA couple who fit the profile of those targeted in current discourses about 'sham marriages' and then explore examples that illustrate how this bordering mechanism continues to be experienced by differently situated British and non-EEA nationals.

6.1. EEA and non-EEA citizens

The regime of normalcy is challenged by practices that may not be visible to white, middle class officials. We referred above to the inspection report and registrar interviews that identified partnerships between Eastern European women and men from Pakistan, the Middle East and West Africa as being causes for suspicion. Registrars joked on TV and during our interviews about partners communicating via *Google Translate.* However, Burikova and Miller have shown in their ethnographic research amongst Slovakian Au Pairs in London that many women actively sought non-Slovakian and non-English men (2012: 145), that 'relationships in London were … most common with men of Albanian/Kosovan, Pakistani, Ukrainian and Moroccan origin …. Sometimes the attraction is precisely the history and depth of that culture as an antidote to feelings of transience and alienation. We encountered two au pairs converting to Islam …' (Burikova & Miller, 2010, p. 145). Demonstrating that this is not a new phenomenon, they also refer to a woman who became pregnant with a Pakistani boyfriend who was in the UK illegally before Slovakia joined the EU. She was refused a re-entry visa by the British Embassy when she returned to Slovakia but she and the baby were reunited with her boyfriend after EU enlargement (2010: 146). These narratives of shared social and work spaces were reiterated by two Kurdish-British men whom we spoke with who had married women from Eastern Europe. One had met at a nightclub and the other working in the same factory.

The decision of UK resident couples to marry outside the UK for both intimate and geopolitical reasons can also raise official suspicion as in the case of Czech woman we interviewed who married her non-EEA national fiancé in the Czech Republic so that both families would be present. His non-EEA national relatives were able to travel to the Czech Republic from other Schengen-zone countries where they lived but could not get visas for the UK. She said that she experienced hostility from the Home Office as they demanded unnecessary additional evidence to prove her legal residence in the UK when she applied for her husband's residence permit. UK. During the process she said that the Home Office threatened to close the case when she tried to reason with them over the phone and she was 'forced to apologise to them' for her husband's sake. She felt that they were making life harder for her because she was married to an African.

6.2. Ex-empire, no UK immigration advantage

Although the 2014 legislation was aimed at combatting the effects of the 2004 EU Free Movement Directive concerning marriages between EEA and non-EEA citizens, in practice it impacted negatively on couples who did not fit into those categories and were not seeking 'immigration advantage' but who were identified as being from ex-colonies. We interviewed BF, a Bangladesh national and student on a British MA programme who lived with his British-Bangladeshi uncle and family. He had known his prospective wife, a Bangladesh-born naturalized US citizen, for fifteen years. After two years of online communication, he organised a return flight for her visit from Los Angeles and booked appointments to give notice and then, after the required fifteen days, to get married at his local registry office. He organised the religious marriage ceremony before the appointment to give notice and then went with his partner on honeymoon to Spain. However, when they went to give notice they were prevented from doing so because their passports showed that they had left the country, which is against the rules, but which he hadn't realised. He therefore had to rebook the notice and wedding date and change his wife's return flight. BF was angry because at their second appointment, whilst their passports were checked, he and his partner were asked 'lots of personal questions' which he believed (correctly), that registrars are only permitted to do at the formal notice interview. He and his wife felt a similar gaze of disbelief from the registrar about their intentions during the notice-giving interview even though no 'immigration advantage' would have been gained from their marriage:

> The registry worker think we get married for passport or something – but that is not the UK passport at all! That is the border agency has a contract with the registry… After one hour the argument finished, they allowed us to give notice and get married.

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He had agreed with his family that the ceremony was a formality and did not need to mimic a stereotype of a UK marriage. However, the feeling of being under suspicion continued on the wedding day, he showed us a picture of his four male friends and his wife in casual dress.

BF had experienced a Border Force raid in the betting shop where he worked, a Border Force raid in the house that he lived, and had friends who had lost their college places and had to leave the UK or be deported after the closure of some colleges identified by the government as not complying with their duty to monitor the attendance of overseas students. The experience in the registry office was just one of the range of ways that everyday bordering technologies had impacted on his life.

6.3. British citizen and non-EEA citizen

Other examples show that that those practices have stretched even further into the post-marriage lives of couples and into the private lives of others. A British-Bangladeshi man told us that the bordering practices and publicity surrounding sham marriages extended temporally and spatially beyond the immediate family:

> After 22 years a [transnational] family has arranged a marriage and the whole family is subject to the suspicion of the UKBA [border enforcement] agency. They cannot share this with their counterpart in the marriage. This puts them in a difficult situation. They have to invite hundreds of people, they have to book venues and you cannot arrange anything until you get permission from the authority, so it is eating up people's lives (BJ).

He argued that the government was 'harassing' families through amplifying suspicions about 'sham marriage' as part of their policy to reduce immigration. As with the £18,600 salary threshold required for supporting a non-EEA spouse, discussed above, the aim being to force British-Bangladeshi young people to marry British rather than Bangladesh nationals

> It is not that they are stopping illegal immigration, but *in the name of it,* they are stopping legal immigration (BJ).

A white British NGO worker married to a non-EEA national who worked closely with migrants who encountered the border in their everyday employment, education and travelling around the city, reflected on what they have to consider when choosing to marry:

> [I have known] relationships that are real but it makes much more sense to marry, as to marry is the only way to let the relationship carry on, which then puts pressure on the relationship because suddenly you are married and you only wanted to be boyfriend and girlfriend. Either it is done very tongue-in-cheek and it doesn't put any pressure on, because people are very aware that it is a nonsense, but otherwise they are on that route, they have done it quicker than they would have done and because they believe in marriage and it has put pressure on it (TA).

These cases demonstrate how everyday sham marriage discourse stretches the marriage border as it circumscribes couple's intimate choices, and influences transnational families' life-decisions and mobilities.

7. Conclusion

The practice of 'sham marriage' – like other practices aimed at overcoming border controls by people desperate to settle in the UK, is a lucrative source of income for some criminal groups. However, through using a situated intersectional analysis to examine 'sham marriage' discourse as an element of everyday bordering, this article has raised several implications of the growing securitisation of marriages, involving EEA citizens, citizens of Europe's ex-colonies and British citizens with families from the postcolonial south.

First, as expressed by both religious and secular registrars, has been the transformation of the process of marriage registration, especially when it concerns citizens of ex-Empire states marrying British or EEA citizens, from a celebration into a security interrogation. Through exploring multiple situated gazes we have also shown how, bordering processes are experienced and negotiated in different ways by differently situated actors. We have demonstrated that it is not just the couples whose intimate lives are interrogated as part of these controls, but also those obliged to perform these interviews, such as church ministers, find that deeply emotional and intimate moments in preparing a couple for marriage are being disrupted by invasive bordering practices.

Secondly, as explained to us by many of our interviewees who felt themselves to be the objects of the media amplification of sham marriage stories, these discourses can alter the lives and future imaginaries of families, neighbours and friends across time and transnational space. Thirdly, practices associated with 'sham marriage' have become important elements in bordering control, which has become a major technology of managing diversity and, even more importantly, discourses on diversity, in the UK. The moral gate-keeping of bordering professionals and the media that constructs who is considered an appropriate marriage partner encapsulated in Keith Vaz's quip about 'beauty and the beast' is a manifestation of the racialized, exclusionary/inclusionary boundaries of belonging. It has played a major role in demands to 'get back control of our borders' which prompted people to vote for 'Brexit'.

Whether as part of the EU and possibly more so after leaving, bordering has come to be part of the dynamic, everyday encounters of differently situated British residents as they negotiate, for example, employment, housing, and healthcare. Bordering encounters have very real consequences for British citizens and the growing number of people born outside the UK who came to live there as a result of complex personal, familial, local and global historical circumstances.

The expansion of the EU and the destabilization of large parts of the post-colonial world have increased the number of migrants and security concerns in Europe. Before the EU referendum in the UK, anti-immigration discourses and the extreme Right were gaining momentum across Europe. The UK was not a member of the Schengen agreement and has been developing tighter measures of de-territorialized border controls as means of controlling the number and categories of migrants, and importantly, the discourse of the UK as a desired space for immigration. These, plus imperial nostalgia and amnesia (Wemyss, 2016), have aided in the construction of the imaginaries of the UK as being 'outside Europe' as a remedy to the crash of the neo-liberal globalization dream of continuously growing prosperity.

Since the 1960s, multiculturalism developed as Britain's main technology for managing ethnic diversity. In the post 9/11 era, multicultural policies are being replaced with those of multi-faithism and assimilationism. The economic crisis, migration pressures from within and outside the expanded EU and the increased popularity of anti-EU views, have pushed forward technologies of de-territorialized everyday bordering as a means of managing diversity and political discourses on diversity and borders. This paper suggests that the intensification and growing hegemony of this everyday/everywhere discriminatory bordering technology threatens the remaining vision of conviviality in post-

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referendum multicultural London and the rest of the UK. The collusion of the media and government agencies in disseminating the 'message' on 'sham marriages' is indicative of this and provides a normalising framework for the ever more extensive negotiation of the UK's territorial border within everyday life. The intensification and extension of everyday bordering controls in the Immigration Acts of 2014 and 2016 and their negotiation within contemporary British social relations need to be seen in a historical framework of British colonialism and transcalarly, as part of a regional and global context in which bordering controls are tightening in ways that exclude some people more than others.

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